Prison overcrowding is high but starting to decline. **Thomas 4/1**[[1]](#footnote--1)

Among the many values we hold dear in this country, the right to life and justice under the law for all remains the bedrock of American democracy. Unless, of course, you’re sent to [prison](https://mi.lk/articles/texas-hunger-strike-echoes-long-needed-prison-reform/" \t "_blank). **While the number of federal inmates in the U**nited **S**tates **has [decreased slightly](https://www.bop.gov/about/statistics/population_statistics.jsp" \t "_blank), the total number** of prisoners in local, state, and federal prisons **still tops out at around [2.2 million](http://www.politifact.com/truth-o-meter/statements/2015/oct/13/bernie-s/bernie-sanders-united-states-has-more-people-jail-/" \t "_blank). That’s a major problem,** especially when the solution to this epidemic of overcrowding increasingly turns to solitary confinement. The practice of putting prisoners into windowless, cramped cells with almost no contact with the outside world has already been deemed a form of torture by the United Nations. It’s prompted President Obama to [ban solitary confinement](https://mi.lk/articles/heres-why-obamas-ban-on-solitary-confinement-for-juveniles-matters/" \t "_blank) for juveniles and for those in jail for low-level infractions. Yet solitary confinement has not ended, but rather become the source of a disturbing new practice that has become the norm in prisons across the country. **Inmates are being thrown into solitary** confinement cells smaller than parking space—**with a cellmate.** The strategy is called “doubling” or “double celling,” and it’s the latest attempt by prisons to combat overcrowding without tackling the real problem of why so many people are being locked up in the first place (what’s good War on Drugs?). The practice was exposed as part of a joint investigation by [NPR and The Marshall Project](http://www.npr.org/2016/03/24/470824303/doubling-up-prisoners-in-solitary-creates-deadly-consequences" \t "_blank), a news organization specializing in criminal justice, and their findings are a sobering look at what is happening behind bars. Put into boxes that are 10’8” by 4’8”, the prisoners often [develop bedsores](http://uplcchicago.org/bedsores-a-visit-to-illinois-menard-prison/" \t "_blank) from the lack of moment and have to [take turns standing up](http://thejha.org/sites/default/files/Menard%20Correctional%20Center%20Report%202012.pdf" \t "_blank) in best case scenarios. Worst case? They attack and either injure or kill each other.

The plan results mass incarceration making the war on drugs pale in comparison.  
**Kopel 92[[2]](#footnote-0)**

But while homicides of all types would increase, **America would find itself** increasingly **short of** the **prison space** in which to confine the additional murderers. **The drug war** (which Senator Chafee enthusiastically supports) **is overwhelming** the nation's **prisons**, making it increasingly difficult to confine violent criminals for lengthy terms. In many large cities, the criminal justice system is collapsing under the immense volume of drug prosecutions. **The** Chafee **war on handguns would make the war on drugs look small time.** In California, only 20% of gun-owners obeyed a requirement that they register their semi-automatics. **In New Jersey, fewer than 2%** of owners of **"assault weapons**" have **complied with the** legal **mandate to surrender their guns**. While there are only a few million "assault weapon" owners, **about a quarter of all households** in the United States **contain a handgun**. **Under the most optimistic** compliance **scenarios, 15-20% of American households would ignore the** handgun **ban**. Possessing newly-illegal handguns, **tens of millions** of Americans **would** now **be** defined as **felons**, **eligible for** Senator Chafee's five-year **federal prison** term. The number of new "gun criminals" would be at least as large as the current number of "drug criminals."

Prison overcrowding causes increased disease spread. **Garcia-Guerrero 12**[[3]](#footnote-1)

**Penitentiary overcrowding** or overpopulation **can have consequences in** the **physical health** of persons. The **increase in physical contact, the lack of ventilation** and light, as well as a shortage of time spent outdoors **favours disease propagation**, essentially infectious and parasitic diseases. For example, it has been observed that the prevalence of respiratory symptoms that long over three weeks as well as pulmonary **tuberculosis symptoms are** 39 and **35** **times more frequent**, respectively, in overcrowded prisons of Brazil than in the general population15. Hussein and cols16 also found that the risk to develop a latent tuberculosis infection was almost three times higher among inmates who were housed in barracks of under 60m2 of area. The association of tuberculosis to overcrowding has also been observed in other research works17, 18. The same association to other infectious diseases, such as bacterial meningitis19, infection by methicillin resistant staphylococcus aureus (MARSA) 20 or pneumococcal pneumonia21, has also been observed. In general **it can be affirmed that the prevalence of all aerially transmissible infections increases in overpopulated environments or those with inadequate ventilation**. Moreover, there is a higher risk of contracting parasitoses in overcrowded prisons. Poudat et al have documented a lower prevalence of scabies and other parasitoses in penitentiary modules in which inmates were housed alone22. As to skin diseases, both infectious and non infectious, were too more frequent in overcrowded barracks23. Although it is a more controversial aspect, it has been suggested that **overpopulation could be an indicator in reference to** sexually transmitted diseases, such as syphilis and **HIV** or B hepatitis, **since it favours risk-taking behaviours** among inmates17, 24-26. Another side effect of overpopulation is passive smoking. In a recent article on cardiovascular risk factors among inmates, a 78.8% of smoking prevalence was observed among inmates in Castellon27. Despite the obligation to establish smoking spaces in prisons under the Spanish law, the lack of available space makes difficult the compliance of this law. 5.2 Effects of overcrowding in the behaviour and the psychological health of persons Overcrowding can cause behavioural disorders and affect the psychological health of persons28-31, 35- 37. Gaes and McGuire observed that overcrowding was the strongest indicator for violent behaviours in 14 federal prisons of the United States28. This is a consequence of the anxiety produced by an overpopulated environment which generates hetero and self aggressive behaviours, as shown in other research works29-31. Anselmi associated the higher number of self aggressive behaviours (self inflicted wounds by incisions, ingestion of strange bodies, etc.) to overcrowding in prisons30. A recent survey has documented a higher index of aggressions to the hospital staff in overcrowded psychiatric wings32 and it is logical to think that the same risk may be encountered in overcrowded penitentiary institutions. In reference to this aspect, it is interesting to emphasize that overcrowding in a medical environment has a direct relation to a higher number of psychiatric disorders —most of all, depressions— among the caregivers since a higher number of antidepressant treatments has been associated to those who have worked for six months or more in rooms with over a 10% excess of occupation33. Equally, it has been observed that the hospital staff that works in such rooms have twice the risk of failure to attend their work places due to depression than those who work in rooms with a normal level of occupation34. Suicide has also been related to penitentiary overcrowding. It has been proved that overcrowding involves a higher rate of suicides35, 36 and that in the most overpopulated prisons the number of suicides is up to 10 times higher37. 5.3 Effects of prison overpopulation in public health Although prisons are the classic prototype of closed institutions, in some countries, such as Spain, **prisons are not isolated** from the exterior. Apart from the penitentiary professionals **there are many persons** (worship ministers, lawyers, NGO personnel, volunteers, etc.) **who enter the prisons daily and** may **have direct contact with** some of the **inmates. These also enter and exit the prison**, because of exit permits, judicial authorisations or other causes. **Therefore the intra-extra prison contact is frequent and can affect public health**. If overcrowding is a factor that favours the transmission of some infections, such transmission can also relocate to the exterior of prisons38, most of all in non diagnosed cases or in cases in which the inmate abandons the treatment that was prescribed for them before their release. Such cases can contribute to the increase of the impact rates of such diseases. In order to avoid these situations or diminish their consequences it is very recommendable to coordinate the penitentiary and extra-penitentiary health resources.

#### Extinction. **Greger 8**[[4]](#footnote-2)

Senate Majority Leader Frist describes the recent slew of emerging diseases in almost biblical terms: “All of **these [new diseases]** were advance patrols of a great army that is preparing way out of sight.”3146 Scientists like Joshua Lederberg don’t think this is mere rhetoric. He should know. Lederberg won the Nobel Prize in medicine at age 33 for his discoveries in bacterial evolution. Lederberg went on to become president of Rockefeller University. “Some people think I am being hysterical,” he said, referring to pandemic influenza, “but there **are catastrophes** ahead. We live in evolutionary competition with microbes—bacteria and viruses. **There is no guarantee that we will be the survivors**.”3147 There is a concept in host- parasite evolutionary dynamics called the Red Queen hypothesis, which attempts to describe the unremitting struggle between immune systems and the pathogens against which they fight, each constantly evolving to try to outsmart the other.3148 The name is taken from Lewis Carroll’s Through the Looking Glass in which the Red Queen instructs Alice, “Now, here, you see, it takes all the running you can do to keep in the same place.”3149 Because the pathogens keep evolving, our immune systems have to keep adapting as well just to keep up. According to the theory, **animals who “stop running” go extinct**. So far our immune systems have largely retained the upper hand, but the fear is that **given the current rate of disease emergence, the human race is losing** the race.3150 In a Scientific American article titled, “Will We Survive?,” one of the world’s leading immunologists writes: Has the immune system, then, reached its apogee after the few hundred million years it had taken to develop? Can it respond in time to the new evolutionary challenges? These perfectly proper questions lack sure answers because we are in an utterly unprecedented situation [given the number of newly emerging infections].3151 The research team who wrote Beasts of the Earth conclude, “Considering that bacteria, viruses, and protozoa had a more than two-billion-year head start in this war, a victory by recently arrived Homo sapiens would be remarkable.”3152 Lederberg ardently believes that **emerging viruses may imperil human society** itself. Says NIH medical epidemiologist David Morens, When you look at the relationship between bugs and humans, the more important thing to look at is the bug. When an enterovirus like polio goes through the human gastrointestinal tract in three days, its genome mutates about two percent. That level of mutation—two percent of the genome—has taken the human species eight million years to accomplish. So who’s going to adapt to whom? Pitted against that kind of competition, Lederberg concludes that the human evolutionary capacity to keep up “may be dismissed as almost totally inconsequential.”3153 To help prevent the evolution of viruses as threatening as H5N1, the least we can do is take away a few billion feathered test tubes in which viruses can experiment, a few billion fewer spins at pandemic roulette. The human species has existed in something like our present form for approximately 200,000 years. “Such a long run should itself give us confidence that our species will continue to survive, at least insofar as the microbial world is concerned. Yet such **optimism**,” wrote the Ehrlich prize-winning former chair of zoology at the University College of London, “**might** easily **transmute into a tune whistled whilst passing a graveyard**.”3154

#### Newer link EV

#### Gun control causes mass incarceration. **Gourevitch 15**[[5]](#footnote-3)

Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control. He did not consider that such measures will make the persistence of the second problem even worse. It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of **gun control means writing more** criminal **laws, creating new crimes, and** therefore **creating more criminals** or more reasons for police to suspect people of crimes. More than that, **it means creating** yet more **pretexts for a militarized police, full of racial and class prejudice, to overpolice**. As multiple police killings of unarmed black men have reminded us, **the police** already **operate with** barely constrained **force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration** to parole monitoring, **the police manage** a panoply of **programs that subject** these **populations to** multiple layers of **coercion** and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority. While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s **stop-and-frisk program, was justified as a gun control** rather than a drug war measure. **In the name of preventing violence**, hundreds of thousands of **poor minorities are subject to searches without probable cause** each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence. This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, **since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks**. As legal scholar Benjamin Levin argues in a forthcoming piece “**Searching for guns** – like searching for drugs – can easily become pretextual, **a proxy for** some general **prediction of** risk, **danger**, or lawlessness.” In other words, **there must be selective enforcement**, where enforcement includes invasive searches **based on existing prejudices** about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, ev**ery study shows** steep, and **unfounded, bias**. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following: “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.” This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. No matter how neutral the laws are, **their enforcement must remain unequal and unfair.** That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree. These policing practices persist because they are disproportionately directed against marginal populations. Once individuals find themselves arrested **gun control reappears as a reason for increasing punishment. Gun possession can be used to enhance sentences for other crimes** and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge. **Gun charges are** also a **part of the excessive and racially unequal over-charging practices that** not only **contribute to rising incarceration rates** but also ends force numerous individuals away from trial and into plea bargains. Poor Blacks and Latinos are easily intimidated by charge-happy prosecutors into accepting plea deals, meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal **gun laws would** only **feed this** deeply unjust **system**. There is an unrecognized gap between the justification for gun control and its most likely effect. There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because **how our society polices depends not on the laws themselves but on** how **the police** – **and** prosecutors and **courts** – decide to enforce the law. Especially given how many guns there are in the U.S., gun law enforcement will be selective. That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order. It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how **they will become part of the** system of **social control of mostly black, mostly poor people**. There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people. To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it. Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. And it is a great error to think that gun control is the path to racial justice. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime. That, perhaps, is why the demands that have emerged from the #blacklivesmatter movement focus not on gun control but instead on demilitarizing the police and investing in “jobs, housing, and schools” for those “black communities most devastated by poverty.” What happened in Charleston is a horrific tragedy. The criminal law will not solve it. I wish I had a better solution ready at hand. I don’t, though I think it would start by freeing our political imagination from instinctively reaching for the criminal law.

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2. David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “Banning Handguns?” Washington Post<http://www.davekopel.org/2A/OpEds/OpEdBanGun.htm> LK [↑](#footnote-ref-0)
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4. – M.D., is Director of Public Health and Animal Agriculture at The Humane Society of the United States (Michael Greger, , Bird Flu: A Virus of Our Own Hatching, <http://birdflubook.com/a.php?id=111>) LK [↑](#footnote-ref-2)
5. Alex Gourevitch 15 [(Alex Gourevitch, assistant professor of political science at Brown University. He is author of From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century and has written for magazines like Dissent, Jacobin, The American Prospect, and New York Magazine, ) Gun control’s racist reality: The liberal argument against giving police more power, Salon 6-24-2015] LK [↑](#footnote-ref-3)